# SUPPLEMENT

TO THE

# TABLES

RELATIVE TO THE

# ACTS AND ORDINANCES

OF

# LOWER-CANADA,

SHEWING THE CHANGES AND ADDITIONS CONSEQUENT UPON THE ACTS PASSED IN THE SESSIONS OF 1843 AND 1844-5, IN THE SEVENTH AND EIGHTH YEARS OF HER MAJESTY'S REIGN.

PUBLISHED

BY ORDER OF HIS EXCELLENCY THE GOVERNOR GENERAL,

UNDER THE SUPERINTENDENCE OF THE

Commissioners for Revising the said Acts and Ordinances.

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# NOTICE.

THIS supplement continues the work to which it relates down to the present time, and shews the effect of all the Acts which have been passed since the publication of the Tables. The same arrangement and form of printing have been adopted. In the supplement to Table II, when a new title is added, it is given without note, but when a change has occurred with reference to a title inserted in the former work, proper words of explanation are added. The supplement like the Tables, makes part of the work of revision, and the Revised Statutes cannot be safely used without it, for in some instances acts or sections are printed which are now repealed, because the work, with the exception of the Index, was completed before the commencement of the late session ; these changes are noted in the supplement.

MONTREAL, 21ST SEPTEMBER, 1845.

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# SUPPLEMENT TO TABLE I.

## ORDINANCES

### OF THE GOVERNOR AND LEGISLATIVE COUNCIL OF THE PROVINCE OF QUEBEC.

17 GEO. III. (*Guy Carleton.*)

CAP. IV.?—FORESTALLING, REGRATING, MARKETS.—A new Act (8 V. c. 59) has been passed with regard to the incorporation of the City of Montreal; and the Ordinances incorporating Quebec have been amended by 8 V. c. 60; but neither of these Acts seems to affect the position of this Ordinance.

CAP. 10?—BREAD ASSIZE OF, BAKERS.—Sect. 50 of the said Act (8 V. c. 59) respecting the incorporation of Montreal, expressly empowers the City Council to make By-laws for regulating the weight and quality of all bread sold within the City, but without mentioning the *price*. The Act (8 V. c. 60) amending the laws incorporating Quebec contains no provision on the subject.

CAP. XII.—FERRIES, CARTERS.—Sect. 50. of the said Act (8 V. c. 59) contains provisions on this subject similar to those in the former ordinances, which moreover are not repealed except where they may be inconsistent with the Act. The 8 V. c. 60 (for Quebec) contains no provision on the subject.

CAP. XIII.—FIRE.—It is expressly provided by Sect. 75 of the said Act (8 V. c. 59) that all laws repealed by the Ordinances incorporating the City of Montreal shall remain repealed, and Sect. 51 & 53 give the Council ample powers for the prevention of fires. The 8 V. c. 60 (for Quebec) contains no provision on the subject.

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22 GEO. III. (*Sir F. Haldimand.*)

CAP. I.—MAJORITY, Age of.—See 7 V. c. 16. s. 29, and 7 V. c. 19. s. 5, empowering persons above the age of 14 but under 21 years, to sue for wages to the amount of £6 5 0 in the Circuit Courts and Commissioners' Courts.

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24 GEO. III. (*Sir F. Haldimand.*)

CAP. I.—HABEAS CORPUS.—See 7 V. c. 17. s. 14 & 15, as to the Court of Queen's (or King's) Bench for Gaspé and the powers of the Justices of that Court; and also 7 V. c. 16. s. 6, as to the appointment and powers of As-

sistant Judges in the other Districts, and 7 V. c. 18. s. 16, vesting like powers in the Circuit Judges and Commissioners of Bankrupts, during the terms of the Court of Appeals, and the four days next before and next after the said terms.—See also 4 & 5 V. c. 24. s. 5 & 6, as to the cases and modes in which the Court of Superior Jurisdiction in any District, or any Judge thereof, may, without a writ of *Habeas Corpus*, order a prisoner committed for trial by any Justice or Justices of the Peace or Coroner, to be admitted to bail or continued in custody, as if the prisoner had been brought up on *Habeas Corpus*.

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25 GEO. III.—(*Henry Hamilton.*)

CAP. II.—ADMINISTRATION OF JUSTICE.—See generally with regard to this Ordinance the Acts 7 V. c. 16 & 18, (and c. 17, and 8 V. c. 32 for Gaspé). And more especially,—with regard to Sect. I, 7 V. c. 16. s. 18, providing that all writs or process shall be in both languages: Sect. 11, 20, 21, 22, 23, 24, and others establishing the jurisdiction of Courts of Q. B. in Superior and Inferior Term, and of the Circuit Courts, extending it in the two latter instances to £20 Cy.—With regard to Sect. IV, the Ordinance 2 V. (3) c. 49 is repealed by 7 V. c. 16. s. 69, but Sect. 37 of that Act makes similar provision as to the issuing *Capias*, &c., without a *fiat*:—With regard to Sect. VI, VII & VIII, see 7 V. c. 16. s. 16 & 34, giving longer delay between the service of process and its return, but denying the Defendant the right of appearing after the first default except by express permission of the Court:—With regard to Sect. X, see 8 V. c. 31, as to what evidence shall be necessary to take a mercantile case out of the operation of the Statute of limitations, and extending certain provisions of the Statute of frauds to certain mercantile contracts for the sale of goods:—With regard to Sect. XXIV, XXV, XXVI, XXVII, XXVIII and XXIX, (Court of Appeals,) see 7 V. c. 18, as to the constitution, powers and practice of the Court of Appeals; but that Act (s. 12) expressly provides that all laws relating to the former Courts and not repugnant to the Act shall apply to the Court thereby constituted:—With regard to Sect. XXX to XXXV, see 7 V. c. 16. s. 47 to 52 as to the proceedings in execution on judgments rendered in Inferior Term or in the Circuit Courts:—the Act 4 & 5 V. c. 20 is repealed by 7 V. c. 16. s. 1:—With regard to Sect. XXXVIII, see 8 V. c. 17, allowing Debtors imprisoned under Ca: Sa: to go at large within the limits of Lower Canada on giving bail not to exceed them.

CAP. III.—SURVEYORS.—The office of Surveyor General is abolished by 8 V. c. 11. but the functions of that officer are to be performed by the Commissioner of Crown Lands, or such person as he shall appoint.

CAP. IV.—ADVOCATES, NOTARIES, CROWN DOMAIN, &c.—By 7 V. c. 16. s. 60, it is again provided that no Clerk or Prothonotary of any Court shall practise as an Advocate, &c.:—but 8 V. c. 33. s. 1, repeals so much of this Ordinance as would prevent any Notary from being Clerk of a Circuit Court or Commissioners Court.

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27 GEO. III.—*Lord Dorchester.*)

CAP. 1.—ADMINISTRATION OF JUSTICE.—The terms of the Courts of K. B. mentioned in sect. 1, have been again altered by 7 V. c. 16. s. 9.

CAP. 2.—MILITIA ?—The Ordinance 1 V. c. 22, expired on 1st May 1843; but it is now revived and continued in force until 1st May 1846, and thence to the end of the then next Session, by 8 V. c. 51,—so that this Ordinance (27 G. 3. c. 2,) and 29 G. 3. c. 4, are again suspended for that period.

CAP. IV.—ADMINISTRATION OF JUSTICE.—With regard to Sect. III and IV, see 7 V. c. 16. s. 7, and 7 V. c. 18. s. 15, providing that every judgment in appeal, or from which an appeal may lie, shall contain the reasons on which it is founded, on pain of nullity.

CAP. VI.—PEACE OFFICERS, CONSTABLES.—See 8 V. c. 18. s. 1, extending the provisions of this Ordinance to the Town of Sherbrooke.

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28 GEO. III.—(*Lord Dorchester.*)

CAP. VIII.—PHYSIC AND SURGERY, PRACTICE OF.—See with reference to this Ordinance and its subject, 7 V. c. 5, for the encouragement of the study of Anatomy.

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29 GEO. III.—(*Lord Dorchester.*)

CAP. III.—ADMINISTRATION OF JUSTICE.—With regard to Sect. V, the Act 7 V. c. 17. s. 14, establishes a Court of Queen's Bench in Gaspé, and s. 16, gives it criminal jurisdiction: it does not appear that the provision of this Sect. (which related only to Courts of Oyer and Terminer) would apply to such Court of Q. B. ?—see also 4 and 5 V. c. 24. s. 32 :—With regard to Sect. XI and XII, see 7 V. c. 17. s. 5 and 15, providing that the Courts in Gaspé shall be bound by the same rules of law as other Courts, and s. 27, as to sales of real property ;—With regard to Sect. XV, see 7 V. c. 17. s. 15, providing that appeals shall lie from the Court of Q. B. in Gaspé, to the Court of Appeals in like cases and under the same provisions of law, as from other Courts of Q. B.—*Query* as to the effect of this section?—some provision of the kind appears requisite from the remoteness of the District of Gaspé.

CAP. 4.—MILITIA ?—This Ordinance is in the same position with 27 G. 3. c. 2, which see.

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32 GEO. III.—(*Alured Clarke.*)

CAP. II.—ADMINISTRATION OF JUSTICE.—Circuit Courts which *may* be held, by Justices of the Courts of Q. B. have been again established by 7 V. c. 16. *Query*, as to the application of this section in such cases :—by sect. 56 of that Act, the Judge holding any such Circuit Court might try by Jury any cause pending in Q. B. and ordered to be so tried at such Circuit Court.

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## ACTS OF THE PROVINCIAL PARLIAMENT.

34 GEO. III.—2nd Sess. 1st Parlt.—(*Lord Dorchester.*)

CAP. I.—ACTS OR LAWS, PUBLICATION AND DISTRIBUTION OF.—Sect. III. is repealed by 8 V. c. 68. s. 1, and other provision is made by that Act.

CAP. II.—PROMISSORY NOTES, &c.—With regard to the effect in Upper Canada, of protests or notices of non-payment made by Notaries in Lower Canada, see 7 V. c. 4. s. 2 and 3.

CAP. VI.—ADMINISTRATION OF JUSTICE.—With regard to this Act, and the subject thereof generally, see, 7 V. c. 16, 17 & 18:—And more especially,—with regard to Sect. I, 7 V. c. 17. s. 2, erecting the former Inferior District of Gaspé into a District:—With regard to Sect. II, 7 V. c. 16. s. 2, 3, 4, &c., providing that the name of the Inferior Courts in the Districts of Quebec, Montreal and St. Francis, shall be the King's Bench "or Queen's Bench," according to circumstances, and directing by what Judges they shall be held, &c.,—and 7 V. c. 17. s. 14 & 15, &c., making like provision as to the District of Gaspé:—With regard to Sect. III & VII, see 7 V. c. 16. s. 9, fixing the times at which the Inferior terms of the said Courts shall be held in the first named three Districts, and 7 V. c. 17. s. 16, making like provision as to Gaspé:—With regard to Sect. V & VI, see 4 & 5 V. c. 24. s. 32, making it unnecessary that any report should be made to the Governor, &c., before sentence of death passed by any Court, can be carried into execution:—With regard to Sect. VII. see 7 V. c. 16. s. 11 & 20, as to the jurisdiction of the Courts of Q. B. or K. B., in Inferior Term:—With regard to Sect. VIII, see 7 V. c. 16. s. 53, vesting many of the powers in matters requiring despatch mentioned in this section, in the Circuit Courts and Circuit Judges, and 7 V. c. 17. s. 5, & 8 V. c. 32. s. 2, giving the Circuit Courts and Judges in Gaspé the same powers as are given to those in other Districts, by 7 V. c. 16.:—With regard to Sect. XI, see 7 V. c. 16. s. 9, fixing the periods of the superior terms at Three Rivers:—With regard to Sect. XII & XIII, the Act 4 & 5 V. c. 20, is repealed by 7 V. c. 16. s. 1, but the Acts thereby repealed and the Courts thereby abolished remain repealed and abolished, and Inferior Terms of the Q. B. at Three-Rivers are provided for by 7 V. c. 16. s. 19, with the same powers as in other places, Sect. XII & XIII are thus repealed by 7 V. c. 16. s. 69, as inconsistent with that Act.—Sect. XIV, XV, XVI, XVII & XVIII, are repealed by 7 V. c. 17. s. 1:—Sect. XIX, XX & XXI, remain repealed under 7 V. c. 16. s. 1. With regard to Sect. XXIII & XXIV, see 7 V. c. 18. s. 2, &c., providing differently for the future constitution of the Court of Appeals, and s. 7, as to the Members who may or may not sit on any appeal:—With regard to Sect. XXV, see 7 V. c. 18. s. 6, which virtually repeals it (under Sect. I,) by making other provision inconsistent with it. With regard to Sect. XXVII, XXVIII & XXIX &c., and other provisions relative to the Court of Appeals, see 7 V. c. 18. s. 12, making all such provisions not inconsistent with that Act applicable to the Court thereby constituted:—as to the meaning of the word "Sterling" in Sect. XXX, see 7 V. c. 16. s. 24. With regard to Sect. XXXIV, see 7 V. c. 17. s. 29 establishing other periods for holding the Quarter Sessions in the District of Gaspé,—the last named Act repeals 2 G. 4. c. 5, among others.—Sect. XXXVIII, XXXIX, XL, XLI & XLII, are mere repealing clauses, the effect of which is noted on the Acts or Sections repealed.—Sect. XLIV merely made provision with regard to process issued before the Act passed, and its object is long since accomplished.

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35 GEO. III.—3rd Sess. 1st Parlt.—(*Lord Dorchester.*)

CAP. I.—ADMINISTRATION OF JUSTICE.—Sect. I is repealed by 7 V. c. 17. s. 30, being inconsistent with that Act.—Sect. II, which provided for the

transmission of records from former Courts, is effete.—Sect. III is repealed by 7 V. c. 16, of which Act s. 9 fixes other terms for the Courts of Q. B. at Quebec and Montreal.

CAP. IV—REGISTERS OF BAPTISMS MARRIAGES AND BURIALS.—The benefits of this Act are extended to the Congregation of Christian Unitarians at Montreal, by 8. V. c. 35.

CAP. VIII.—TAVERN KEEPERS, HAWKERS, Duties on.—All the monies arising from duties on Taverns are appropriated to Municipal purposes by 8 V. c. 72. s. 3, and are to be paid over to the Treasurers of the Municipal Divisions of the Province.

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36 GEO. III.—4th Sess. 1st Parlt.—(*Lord Dorchester.*)

CAP. IX.—ROADS, BRIDGES, &c.—The Ordinances 4 V. c. 3, (for the election of Parish and Township Officers) and 4 V. c. 4, constituting Municipal Districts are *repealed* by 8 V. c. 40; and by s. 28 of that Act the powers of the Councils thereby established are to extend to the opening, construction, alteration and removal of the highways and public bridges within the Parish, Township or Municipality, conformably to law, &c.; and by s. 30, the powers of the Grand Voyers are vested in the said Councils with certain provisions as to the mode in which they are to be exercised. These Councils are thus substituted for the former "Municipal Councils," and this substitution must be constantly borne in mind in reading this Act and the notes upon it in the Tables; it will be thus unnecessary to refer to it on each section. The Act 8 V. c. 40 is temporary, and its duration is now limited to the end of the Session next after 29th March, 1847. With regard to Sect. XX, the Act 7 V. c. 40, s. 30, declares *Procès Verbaux* or the intervention of any Court unnecessary, as the 4 V. c. 4. s. 45, did before. With regard to Sect. XXV and XXVI, the Ordinance 4. V. c. 3 is repealed, but the powers of the Grand Voyer are vested in the Councils as above stated, and that of appointing Road officers, by s. 24 of 8 V. c. 40,—and the power of dividing the Municipality into Surveyor's and Overseer's Districts is expressly given them by s. 28. Sect. XXVII empowered the *Grand Voyer* to appoint overseers in case of failure to elect by the inhabitant householders, or in case of a vacancy occurring between the periods of election, subjecting a person refusing to serve to the same penalty as if he had been elected: the powers given to the *Grand Voyer* seem to be vested in the Councils under Sect. 24 & 30 of 8 V. c. 40?—Sect. XXXII, XXXIII and XXXIV (erroneously called XXXI, XXXII and XXXIII in the Tables,) continue repealed, the office of Grand Voyer being still abolished. With regard to Sect. XXXVIII, and other sections applying to Roads, &c. within the City of Montreal, it is to be borne in mind that a new Act (8 V. c. 59) has been passed for the incorporation of the said City, and supersedes the Ordinances 3 & 4 V. c. 36, and 4 V. c. 32, wherever they may be inconsistent with it, but so far as the Act now under consideration is concerned the new Act differs little if at all from the Ordinances, see Sect. 38, 39, 40, 50 & 59, &c., of the said Act (8 V. c. 59) as compared with 3 & 4 V. c. 36 s. 41, 43, 48, and 4 V. c. 32. s. 16, 18, 30, &c.; the Ordinances are only repealed in so far as they may be inconsistent with the Act. With regard to Sect. XLV, XLVI, see 8 V. c. 59. s. 59 to 64, which now regulate the taking of property for improvements in the City of Montreal. The references made in the Tables on Sect. XLIX, should have referred to Sect. XLVIII for which XLIX was printed by error. With regard to Sect. LII, the Act 8 V.

c. 59. s. 50, is now the law authorizing the City Council in Montreal to tax horses, and to increase the commutation money for statute labour, &c., it is also that authorizing them to impose taxes, and must be referred to in considering the effect of Sect. LVII. With regard to Sect. LXIII, a Mayor's Court is now established (by 8 V. c. 59. s. 70) in the City, for the recovery of assessments, penalties under By-laws of the Council, &c. With regard to Sect. LXXVII, the powers of the *Grand-Voyer* are now in the Councils of the Municipalities as aforesaid.

CAP. XII.—FELONS ESCAPING FROM U. C. NEW BRUNSWICK, &c.—With regard to the surrender of offenders escaping from the United States, see the Imp. Act 6 & 7 V. c. 76, and the Treaty of 9th August, 1842, to which that Act gives effect.

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39 GEO. III.—3rd Sess. 2nd Parlt.—(*Robert Prescott.*)

CAP. V.—ROADS, BRIDGES, &c., in the Cities of Quebec and Montreal, and those parts of the Parishes of Quebec and Montreal which are called the Country Districts.—The remarks made on 36 G. 3. c. 9, (which see) as to the repeal of the Ordinances 4 V. c. 3 & 4, by 8 V. c. 40, and the substitutions of the Councils constituted by that Act for the Municipal Councils of those Ordinances, and also as to the new Act (8 V. c. 59) with regard to the incorporation of Montreal, apply equally to this Act (39 G. 3. c. 5,) and must always be borne in mind in reading the Act or the notes upon it. The note referring to Sect. V, should have referred to Sect. VI, for which V was printed by error; the Roads mentioned in it seem to be now under the Council of the Municipality, under 8 V. c. 40. s. 30; and the monies arising from Tavern Licences will now, under 8 V. c. 72. s. 3, belong to the Municipality and be paid over to its Treasurer. With regard to Sect. VII, the power to divide the Municipality into Surveyor's and Overseer's Districts is expressly vested in the Councils by 8 V. c. 40. s. 28. The powers given to the Magistrates by Sect. VIII, will now belong to the Council of the Municipality under 8 V. c. 40. s. 30. Sect. IX related only to the first elections under the Act and is effete. Sect. XVII related only to the then current year and is effete. With regard to Sect. XXIII see 8 V. c. 72. s. 3, appropriating the monies arising from Tavern Licences to Municipal purposes. With regard to Sect. XXVII & XXVIII, see 8 V. c. 60. s. 13, authorizing the Council of the City of Quebec, to cause a general plan of the City to be made "by which all persons whosoever shall abide;" for what purposes the plan is to be binding is not stated in the said Act: see also 8 V. c. 59. s. 79, authorizing the city Surveyor of Montreal, to prepare a similar plan "for the *direction* of every person concerned or interested" in the matters shewn on such plan. With regard to Sect. XXXIV see 8 V. c. 59. s. 50, empowering the City Council of Montreal to impose taxes by By-law on horses kept for pleasure, working or hiring out. With regard to the recovery of monies due for assessments or fines under By-laws in Montreal, see 8 V. c. 56. s. 70 & 71.

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40 GEO. III—4th Sess. 2nd Parlt.—(*R. S. Milnes.*)

CAP. VI.—JACQUES CARTIER RIVER, BRIDGE OVER.—This Bridge is not affected by the Act 8 V. c. 30, empowering the Governor in Council to

fix the Tolls to be paid on certain public works, unless it should hereafter become included (see schedule to the said Act) as part of the main road from Quebec to Sandwich improved at the expense of the Province under the superintendence of the Board of Works.

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41 GEO. III.—1st Sess. 3rd Parlt.—(*R. S. Milnes.*)

CAP. VII.—ADMINISTRATION OF JUSTICE.—With regard to this Act see 7 V. c. 16, generally, but especially as to cases under £20 cy. With regard to Sect. I, see 7 V. c. 16. s. 18 requiring process to be in both languages. The Act 4 & 5 V. c. 20 is repealed by 7 V. c. 16. s. 1, and provision is again made for the holding of Inferior Terms by s. 19 to 22, &c. of that Act. For the mode of testing Writs issued in Inferior Terms or from Circuit Courts see the Schedule A to the Act last mentioned and s. 28.—With regard to Sect. III, see 7 V. c. 16. s. 16 & 34, providing that the Defendant shall not appear after one default, except by special permission of the Court. With regard to Sect. VII, see 7 V. c. 16. s. 12, as to *Enquêtes* out of Term.—With regard to Sect. VIII, see 7 V. c. 16. s. 24, as to the meaning of the word "Sterling."—With regard to Sect. X. see 7 V. c. 16. s. 16 & 34 above cited as to default to appear.—With regard to Sect. XVI, see 7 V. c. 16. s. 40, enabling the Courts in Superior Terms to make Rules of practice for the Inferior Term and Circuit Courts only, and 7 V. c. 18. s. 14, repealing this Sect. (XVI) from and after 21st April 1845, as to the Superior Term.—Also s. 13 of the Act last mentioned, with regard both to Sect. XVI and Sect. XVII, respecting the Tariff of fees and Rules of practice in Superior Term.

CAP. X.—WATER WORKS AT MONTREAL.—See 7 V. c. 44, empowering the Corporation of the City of Montreal to purchase the said Water Works and "all the rights, privileges, powers and authority" vested in the proprietors by this Act,—and making divers provisions with regard to the said Water Works after such purchase: also, 8 V. c. 59. s. 49, empowering the City Council to raise money for making the said purchase.

CAP. XVII.—ROYAL INSTITUTION.—See with regard to this Act, 8 V. c. 78, empowering the Royal Institution to dispose of certain lands belonging to the McGill College at Montreal. The Act 4 & 5 V. c. 18, is repealed by 8 V. c. 41. s. 54, except s. 1, 2, 3 and part of s. 23, but the new provisions made by this said Act appear as little consistent with this Act (41 G. 3. c. 17) as those repealed.

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43 GEO. III.—3rd Sess. 3rd Parlt.—(*Sir R. S. Milnes.*)

CAP. 4?—ACTS OF THE LEGISLATURE, publication of.—Sect. II is repealed by 8 V. c. 68. s. 1.

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47 GEO. III.—3rd Sess. 4th Parlt.—(*Thomas Dunn.*)

CAP. 6.—ADMINISTRATION OF JUSTICE, at Three-Rivers.—This Act, which related solely to the Terms of K. B. at Three-Rivers, is superseded by 7 V. c. 16. s. 9, fixing other periods for the said Terms.

CAP. VII.—MARKET NEW AT MONTREAL.—With regard to this and all other Acts relative to Markets at Montreal, the new Act 8 V. c. 59, concerning the incorporation of that City must be borne in mind, especially s. 48, 50 & 52.

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48 GEO. III.—4th Sess. 4th Parlt.—(*Sir J. H. Craig.*)

CAP. XXII.—ADMINISTRATION OF JUSTICE.—With regard to this Act generally, see 7 V. c. 16, abolishing all the Provincial Courts and altering the style of the Courts of K. B. when the Sovereign is a Queen;—and vesting (s. 53) in Circuit Courts and Judges certain powers in matters requiring despatch;—and (s. 39,) making affidavits before Commissioners appointed by Q. B. receivable in Circuit Courts;—and also (s. 38,) vesting certain powers in the said Courts with regard to cases cognizable by them, in which section, though *experts* and arbitrators are not expressly mentioned, the proceedings before them may be comprehended by the words "other matters relative to or connected with the conduct of such suit or action and the proceedings therein." ?

CAP. XXV.—ROADS IN GASPÉ.—The 8 V. c. 40, repealing 4 V. c. 4, and substituting the Councils of Municipalities for the Municipal Councils under the Ordinances, must be borne in mind in reading this Act; s. 28 gives the said Councils powers over the roads, and s. 30 vests in them the powers of the *Grand Voyers*. See notes on 36 G. 3. c. 9.

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49 GEO. III.—1st Sess. 5th Parlt.—(*Sir J. H. Craig.*)

CAP. V.—NEW MARKET AT MONTREAL.—See notes on 47 G. 3. c. 7.

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51 GEO. III.—1st Sess. 7th Parlt.—(*Sir J. H. Craig.*)

CAP. 4.—ASSEMBLY, certain JUDGES disqualified to sit in the.—The Act 4 and 5 V. c. 20, is repealed by 7 V. c. 16, s. 1; but the provisions of this Act (51 G. 3. c. 4,) are superseded by 7 V. c. 16. s. 5,—and 7 V. c. 65. s. 1, both of which disqualify the Justices of the Court of Q. B. and Circuit Judges from sitting in the Assembly, and from being elected, and 7 V. c. 65. s. 12 repeals this Act.

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52 GEO. III.—1st Sess. 7th Parlt.—(*Sir J. H. Craig.*)

CAP. XX.—GOSSELIN, A. BRIDGE OVER R. BOYER.—The privileges granted by this Act are renewed for 20 years from 9th December 1843, in favor of the representatives of A. Gosselin, on certain conditions, and the Tolls are altered in some instances, by 7 V. c. 56.

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55 GEO. III.—1st Sess. 8th Parlt.—(*Sir G. Prevost.*)

CAP. X.—MILITIA MEN, PENSIONS TO.—The sections in force are I and IV, and not I and III as erroneously printed in the Tables.

57 GEO. III.—1st Sess. 9th Parlt.—(*Sir J. C. Sherbrooke.*)

CAP. XVI.—POLICE, SERVANTS, APPRENTICES.—The new Act 8 V. c. 59, concerning the incorporation of Montreal must be borne in mind in reading this Act and the notes upon it; s. 48 of the said Act omits the words in s. 43 of 3 & 4 V. c. 36, transferring the powers of the Justices of the Peace under this Act (57 G. 3. c. 16,) to the City Council, but s. 50 authorizes the Council to make by-laws for regulating servants, apprentices, &c, and their masters and mistresses, and the Ordinance is only repealed where inconsistent with the Act. With regard to Sect. III, see 8 V. c. 59. s. 70 and 71, establishing the Mayor's Court in Montreal for the recovery of penalties under by-laws; the jurisdiction of that Court is of course confined to the City, and does not, however, seem to be exclusive there. The amount of any penalty under by-laws made under 8 V. c. 59. s. 50, is limited to £ 5 and the imprisonment to 30 days,—but under s. 51, the penalty may be £10, and the imprisonment 90 days. The new Municipal Act 8 V. c. 40, does not contain any provision on the subject of this Act, and its position as to the Country Districts of Quebec and Montreal, and the Town of Three-Rivers, seems not to be changed since the publication of the Tables.

CAP. 18.—THREE-RIVERS, ADMINISTRATION OF JUSTICE AT.—This Act is superseded by 7 V. c. 16. s. 9, fixing the Terms of the Court of Q. B. at Three-Rivers.

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58 GEO. III.—2nd Sess. 9th Parlt.—(*Sir J. C. Sherbrooke.*)

CAP. 6.—AGRICULTURAL SOCIETIES.—This Act is *repealed* by 8 V. c. 53. (s. 1,) which Act is however temporary and to be in force until the end of the Session next after the 29th March 1849.

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1 GEO. IV.—1st Sess. 11th Parlt.—(*Earl Dalhousie.*)

CAP. 5.—AGRICULTURAL SOCIETIES, AUXILIARY.—This Act is repealed by 8 V. c. 53. s. 1, with 58 G. 3. c. 6, which see.

CAP. VI.—LACHINE CANAL.—The Lachine Canal is now expressly vested in the Board of Works, and power is given to the Governor in Council to establish the Tolls upon it and to make regulations for the proper using of it, &c., by 8 V. c. 30. s. 1, and the schedule.—That Act is however temporary, and is in force until the end of the Session next after 29th March 1846; it expressly repeals only so much of any Act as *imposes Tolls* on the works to which it applies, other Acts remaining in force where not inconsistent with it.

CAP. VIII.—HABEAS CORPUS.—As to the powers of Assistant Judges see 7 V. c. 16. s. 6, and as to those of the Circuit Judges during the Terms of the Court of Appeals and for the four days next before and next after such Terms see 7 V. c. 18. s. 16.

CAP. XV.—PEACE OFFICERS, CONSTABLES.—See 8 V. c. 18, extending the same Ordinance to the Town of Sherbrooke.

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2 GEO. IV.—2nd Sess. 11th Parlt.—(*Earl Dalhousie.*)

CAP. 5.—GASPÉ, ADMINISTRATION OF JUSTICE IN.—This Act is repealed by 7 V. c. 17. s. 30.

3 GEO. IV.—3rd Sess. 11th Parlt.—(*Earl Dalhousie.*)

CAP. XVII.—ST. FRANCIS DISTRICT, Administration of Justice in.—Sect. II and III should not have been included amongst those repealed by 4 and 5 V. c. 20, abolishing the Provincial Court, the appointment of the Judge and Clerk remaining. This last mentioned Act is itself repealed by 7 V. c. 16. s. 1, but the Acts thereby repealed and the Courts thereby abolished remain so repealed and abolished. With regard to the Court of Q. B. at Sherbrooke, and the powers of the Provincial Judge as a member thereof, see 7 V. c. 16. s. 3—and for the Terms s. 9 and 19. Sect. VIII and IX are superseded by 7 V. c. 16. s. 3, &c., under which the Court of Q. B. will have the same powers as the same Court in other Districts, and the process will be tested in the name of the Provincial Judge. With regard to Sect. XIII, see 7 V. c. 20. s. 1 and 2, repealing so much of this Act as fixes the times of holding the General Sessions and appointing other times, also 8 V. c. 18. s. 2, removing doubts as to the powers of the said Court of General Sessions. Sect. XIV and XV are superseded by 7 V. c. 16. s. 3, giving the Provincial Judge the same powers as any Justice of any other Court of Q. B.

CAP. XLI.—CHAMBLY CANAL.—With reference to this Act see 8 V. c. 30, again expressly vesting the Canal in the Board of Works, and empowering the Governor in Council to establish the Tolls and to make regulations for the proper using of the Canal. The Act is temporary and is continued in force until the end of the Session next after 29th March 1845. The powers of the Commissioners are not expressly transferred to the Board of Works.

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4 GEO. IV.—4th Sess. 11th Parlt.—(*Earl of Dalhousie.*)

CAP. II.—POLICE IN BOROUGHS AND VILLAGES.—With reference to this Act see 8 V. c. 40, (establishing Municipalities) especially the "Second Part" from s. 47 onwards;—the latter Act does not expressly refer to this, (4 G. 4, c. 2) nor do the two Acts appear to be absolutely incompatible with each other, though it would seem desirable that the powers given to the Trustees by this Act should be exercised by the Council of the Village where there is one, and its authority would appear to supersede that of the Trustees in cases where the same powers may be given to each. The regulations of police would appear to remain in force, but Sect. XII only makes the penalties recoverable at the suit of the Inspector. The circumstances requisite to enable a locality to take advantage of the Acts are not exactly the same: this Act, Sect. II, requiring thirty inhabited houses within a space of 15 arpents, or a greater number of houses not more than half an arpent apart, in a greater extent of ground;—and the 8 V. c. 40. s. 47, requiring sixty houses or upwards within a space of thirty superficial arpents or acres. It is optional with the inhabitants of a village to bring themselves under the operation of the *second* part of the latter Act;—and the *first* part scarcely appears to interfere with this Act?

CAP. 7.—GASPÉ, ADMINISTRATION OF JUSTICE IN.—This Act is repealed by 7 V. c. 17. s. 30.

CAP. 14.—CUSTOMS, DUTIES OF, GOODS, &C. FORFEITED.—This Act is repealed by 8 V. c. 4. s. 1,—which Act is however temporary and continued to the end of the Session next after 5th April 1848.

CAP. XV.—GASPÉ, Want of NOTARIES in, &c.—With reference to this Act see 7 V. c. 17. s. 1 and 30, abolishing the Provincial Court and repealing di-

vers Acts relating to it. This Act is not expressly mentioned nor are the powers given by it to the Provincial Judge or to the Court of K. B. at Quebec, expressly transferred to the District Judges or Courts, or to the Court of Q. B. for Gaspé. *Query*, as to the authorities by which the powers given by this Act will now be exercised,—and of what Court the Registers kept under it will become records; see 7 V. c. 17. s. 12, 23 and 24. By s. 14 each District Judge is a Justice of the Court of Q. B.:—and by s. 7 appeals from *judgments* of the Circuit Courts to the Court of Q. B. are provided for.

CAP. 16.—LACHINE CANAL.—The money borrowed under this Act has been paid off:—£9,000 on 17th June 1826:—£11,040 on 25th May 1829, so that this Act is effete.

CAP. XVII.—DEFENDANTS residing in DIFFERENT DISTRICTS—With reference to this Act see 7 V. c. 16. s. 32, and notes on 4 W. 4. c. 4, which Act makes further provision in the same behalf.

CAP. XXXI.—ELEMENTARY SCHOOLS IN PARISHES.—With reference to this Act, see 8 V. c. 41. s. 25, under which the *Fabrique* Schools kept under this Act, (4 G. 4 c. 31,) in any Parish, may by mutual agreement be united with the Schools kept in such Parish under the said Act 8 V. c. 41; subject to certain conditions and with certain rights to the *Curé* and acting Church-warden.

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5 GEO. IV.—1st Sess. 12th Parlt.—(*Sir F. H. Burton.*)

CAP. 19.—LACHINE CANAL, LOAN FOR.—The money borrowed under this Act (£30,000) was paid off on 25th August 1829, so that the Act is effete.

CAP. XXXIII.—ELECTIONS.—With reference to this Act see 7 V. c. 65,—s. 1, 2 & 3, of which disqualify certain public officers from sitting or voting as Members of the Legislative Assembly, and certain others from voting at Elections, and impose heavy penalties on persons offending against the Act: the others sections providing for the vacating of the seats of Members accepting office, for the resignation of Members, and for the filling of vacancies. Section 12 repeals Sect. XXXI of this Act.

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6 GEO. IV.—2nd Sess. 12th Parlt.—(*Earl Dalhousie.*)

CAP. III.—LACHINE CANAL.—With reference to this Act, see 8 V. c. 40, and the notes on 1 G. 4. c. 6.—The Tolls on the Canal will now be those established under the Act first cited.

CAP. 25.—GASPÉ, ADMINISTRATION OF JUSTICE IN.—This Act is repealed by 7 V. c. 17. s. 30.

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7 GEO. IV.—3rd Sess. 12th Parlt.—(*Earl Dalhousie.*)

CAP. 5.—LICENSES on which duty is payable. Form of issuing.—This Act is repealed by 8 V. c. 4. s. 1, that Act being however temporary and continued to the end of the Session next after 5th April, 1848.

CAP. XIV.—MARKET NEW AT MONTREAL.—With reference to this Act, see 8 V. c. 59, concerning the incorporation of Montreal, and the notes on 47 G. 3. c. 7.

CAP. XV.—GAOLS AND COURT HOUSES IN GASPÉ.—See, with reference to this Act, and 48 G. 3. c. 35, the Act 7 V. c. 17. s. 17, providing that in Gaspé, the offender shall be sent to the Gaol of the County in which the offence is committed.

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9 GEO. IV.—2nd (?) Sess. 13th Parlt.—(*Sir James Kempt.*)

CAP. 5.—COMMISSAIRES ENQUÊTEURS.—In the notes on this Act, " for 14 March, 1829,"—put " 14 March 1830.

CAP. 16.—ASSESSORS, number of increased in Quebec and Montreal.—This Act is expressly repealed by 3 & 4 V. c. 35 & 36. s. 48,—and also by 8 V. c. 59. s. 39.

CAP. XX.—INCUMBRANCES, SECRET.—This Act is continued by 8 V. c. 26. s. 1, until the end of the Session next after 31st December, 1849.

CAP. XXVII.—DEBTORS FRAUDULENT, to prevent their evading their creditors. This Act is continued by 8 V. c. 26. s. 1, until the end of the Session next after 31st December, 1849.

CAP. XXVIII.—DEBTORS ABSENT, to facilitate the proceedings against their EFFECTS.—This Act is continued by 8 V. c. 26. s. 1, until the end of the Session next after 31st December, 1849.—See, with reference to this Act, 7 V. c. 16. s. 54, also providing a mode of summoning persons sued either in Q. B. or in the Circuit Courts, who have left their domicile or have none in L. C., but have left property there. That Act does not expressly refer to *this*, nor does it give power to a judge in vacation to issue the order for advertising (which this Act does) and it does not require that the debtor's property should be attached before the order is made; on the debtor's non-appearance the Court proceeds as in case of a default.

CAP. XXXVIII.—MARKET NEW AT MONTREAL, (St. Anne's.)—With reference to this Act see 8 V. c. 59, and the notes on 47 G. 3 c. 7.

CAP. 48.—AGRICULTURAL SOCIETIES, APPROPRIATIONS FOR.—This Act is repealed by 8 V. c. 53. s. 1,—that Act, however, being temporary and to continue to the end of the Session next after 29th March, 1849.

CAP. LI.—Fisheries Salmon, in Cornwallis and Northumberland.—This Act is continued by 8 V. c. 26. s. 1, until the end of the Session next after 31st December, 1849.

CAP. LXXIII.—COUNTIES, DIVISION OF THE PROVINCE INTO.—With reference to this Act, see 7 V. c. 28, detaching the Township of Chatham Gore from the County of Terrebonne and annexing it to that of Two Mountains, for *all* purposes:—also 7 V. c. 23, annexing Isle Bizarre to the County of Montreal for the purposes of registration of titles, &c. only;—and 8 V. c. 28, detaching the Island of Orleans from the County of Montmorency for registration purposes and establishing a Registry Office on the said Island; and 8 V. c. 21, annexing St. Sylvestre to Megantic for like purposes.

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10 & 11 GEO. IV.—3rd (?) Sess. 13th Parlt.—(*Sir James Kempt.*)

CAP. VII.—DISTRICT OF ST. FRANCIS, ADMINISTRATION OF JUSTICE IN.—With reference to Sect. I of this Act see 7 V. c. 16. s. 3, giving the Provincial Judge the same powers as the other Justices of the Q. B. at Sherbrooke, and directing that process shall be tested in his name:—also s. 11 of

the said Act establishing the jurisdiction of the Courts of Q. B. in Superior Term, and s. 20 their jurisdiction in Inferior Term, s. 9, appointing the periods for the Superior Terms, and s. 19 those for the Inferior Terms,—and the said Act generally as to the powers of and mode of proceeding in the said Courts, &c.

Cap. 16.—Criminal Terms at Quebec and Montreal.—This Act is superseded by 7 V. c. 16. s. 9, which fixes the periods of the terms, and s. 3 which makes the powers of the Chief Justice and Puisné Justices "equal and similar to all intents and purposes whatsoever."

CAP. XXII.—THREE RIVERS, Administration of Justice in.—The Act 4 & 5 V. c. 20 is repealed by 7 V. c. 16. s. 1, but the Acts repealed and Courts abolished by it remain repealed and abolished, and s. 19, provides for the holding of Inferior Terms of Q. B. at Three Rivers:—s. 6 provides for the appointment and powers of Assistant Judges in any Court of Q. B., superseding Sect. VII and also 2 V. (2) c. 13 and 3 & 4 V. c. 24, which are repealed by s. 69.

Cap. 28.—Harbour of Montreal.—This Act is repealed by 8 V. c. 76. s. 1, which repeals also the other Acts relative to the Harbour of Montreal, substituting new enactments and providing for the payment of monies borrowed under the repealed laws, and the enforcement of all obligations to or by the Commissioners, contracted under such laws.

CAP. XLI.—CHAUDIERE RIVER, BRIDGE OVER.—By the 8 V. c. 30. s. 1, this Bridge is vested in the Board of Works,—the Tolls imposed by this or any other Act are repealed, and the Governor in Council is empowered to establish new Tolls and to make regulations for the collection thereof and the proper using of the Bridge.

CAP. XLII.—MARKET AT ST. HYACINTHE.—With reference to this Act see 8 V. c. 40. s. 52, which vests in the Council of any Village the inhabitants of which shall have availed themselves of Part 2 of that Act, the power of making regulations for "the right ordering, establishment or construction of Markets."

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1 WILL. IV.—1st Sess. 14th Parlt.—(*Lord Aylmer.*)

Cap. 2.—Enquêtes and Jury Trials in civil matters.—This Act is repealed by 7 V. c. 16. s. 69; see also s. 12 & 13 of that Act making provision for like purposes.

CAP. VI.—WOLVES, to encourage DESTRUCTION of.—This Act is continued by 8 V. c. 26. s. 1, to the end of the Session next after 31st Decr. 1849.

Cap. 11.—Harbour of Montreal.—This Act is repealed by 8 V. c. 76. s. 1—See notes on 10 & 11 G. 4. c. 28.

CAP. XXXVI.—MARKET AT MONTREAL.—With regard to this Act, see 8 V. c. 59, and the notes on 47 G. 3. c. 7.

Cap. 42.—Assembly, Members of resigning their seats.—This Act is repealed by 7 V. c. 65. s. 12, and provision is made for like purposes by s. 6, 7, 8, 9, 10, 11, of the said Act.

CAP. LIII?—ALIENS, NATURALIZATION OF.—With reference to the subject of this Act, see 8 V. c. 107, reserved and subsequently sanctioned by Her Majesty. It does not, however, refer to this Act, and the rights conferred by it would appear (by s. 1) to have no retroactive effect as to any thing done before the granting of the certificate of naturalization?—A Bill expressly refer-

ring to and interpreting this Act (1 W. 4. c. 53.) was passed by both Houses during the Session 1844-45, but it was reserved for the signification of H. M. pleasure, and has not yet been sanctioned.

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2 WILL. IV.—2nd Sess. 14th Parlt.—(*Lord Aylmer.*)

CAP. VIII.—DISTRICT OF ST. FRANCIS, ADMINISTRATION OF JUSTICE IN.—The Act 4 & 5 V. c. 20, is repealed by 7 V. c. 16. s. 1, but the Laws repealed and the Courts abolished by it remain repealed and abolished. See also 7 V. c. 16. s. 19 & 30, as to the Inferior Terms and Circuit Courts in the District of St. Francis, and s. 3, as to the powers of the Provincial Judge, as one of the Justices of the Court of Q. B. at Sherbrooke.

CAP. 33.—LAWS, DISTRIBUTION OF.—This Act is repealed by 8 V. c. 68. s. 1, and other provision is made for like purposes by the said Act.

CAP. 36.—HARBOUR OF MONTREAL.—This Act is repealed by 8 V. c. 76. s. 1; —see also notes on 10 & 11 G. 4. c. 28.

CAP. 50.—GASPÉ, ADMINISTRATION OF JUSTICE IN.—This Act is repealed by 7 V. c. 17. s. 30.

CAP. LXVI?—COURT HOUSES AND GAOLS IN THE COUNTIES.—This Act has not been further continued, and will expire on 1st Novr. 1845.

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3 WILL. IV.—3rd Sess. 14th Parlt.—(*Lord Aylmer.*)

CAP. 1.—LESSORS AND LESSEES.—With reference to this Act see 7 V. c. 16—under which there is no Provincial Court either at Three Rivers or St. Francis—but the Resident Judge and Provincial Judge remain in the said Districts respectively, with the same title of office, though with enlarged authority; and the powers vested in them by this Act do not seem to be affected?—With regard to Gaspé, see 7 V. c. 17. s. 1 & 30, abolishing the Provincial Court and repealing certain Acts relating to it,—s. 14 making the Circuit Judges Justices of the Court of Q. B. for the District of Gaspé, s. 15 giving the said Court and Justices thereof the same power as in other Districts, and s. 5, establishing the powers of the Circuit Courts and Judges thereof.—By s. 3, the two Circuit Judges for the District are to reside in different Counties.—*Query*, whether the powers given by this Act may be exercised (as in St. Francis) by one Circuit Judge, (as a Justice of the Court of Q. B.) or whether two must act as in Quebec and Montreal:—or whether the question would in any way depend on the amount in dispute?—The powers of the Provincial Judge are not expressly transferred to any functionary. With regard to Sect. VIII, see 7 V. c. 18, as to the present Court of Appeals and 7 V. c. 16. s. 24, as to the meaning of the word "Sterling." The Ordinance 2 V. (3) c. 49, is repealed by 7 V. c. 16. s. 69, and provision is made by s. 55 of that Act for purposes similar to those mentioned in s. 3 of the said Ordinance.

CAP. 5.—THREE RIVERS, ADMINISTRATION OF JUSTICE AT.—The Act 4 & 5 V. c. 20, is repealed by 7 V. c. 16. s. 1, but Laws repealed and Courts abolished by it remain repealed and abolished. See 7 V. c. 16. s. 42, as to cases in the Inferior Term or Circuit Court in which the Resident Judge shall be incompetent from interest, &c.

CAP. XIV.—BILLS OF EXCHANGE PROTESTED.—See 7 V. c. 4. s. 2 & 3, as to the effect in Upper Canada of protests, &c. made by Notaries in Lower Canada.

CAP. XVIII.—DISTRICT OF ST. FRANCIS.—See also 7 V. c. 16, *passim*, referring to the *District* and not to the *Inferior District* of St. Francis.

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4 WILL. IV.—4th Sess. 14th Parlt.—(*Lord Aylmer.*)

CAP. IV.—WRITS OF ATTACHMENT, PRACTICE IN HYPOTHECARY ACTIONS.—It does not appear that this Act was originally intended to apply to any other Courts than those of K. B., now of Q. B.?—With regard to the Circuit Courts see 7 V. c. 16. s. 28 & 30, as to their local jurisdiction, and s. 32 as to suits in which there may be more than one Defendant;—but see also s. 37, as to the writs which may issue, and the mode of executing and the "rules of law" made applicable to writs so issued out of Inferior Terms and *Circuit Courts*; and s. 47 & 48, as to executions, as well in hypothecary actions as in others.—*Query*, as to the application of Sect. I & II to the present Circuit Courts?

CAP. 7.—AGRICULTURAL SOCIETIES IN COUNTIES.—This Act is repealed by 8 V. c. 53. s. 1; that Act is however temporary and is continued in force until the end of the Session next after 29th March, 1849.

CAP. XII.—LACHINE CANAL.—See notes on 1 G. 4. c. 6.

CAP. 32.—ASSEMBLY, MEMBERS OF ACCEPTING OFFICE, FOR VACATING THEIR SEATS.—This Act is repealed by 7 V. c. 65. s. 12,—s. 4 & 5 of that Act make provision for like purposes.

CAP. XXXIII.—MUTUAL INSURANCE COMPANIES.—With regard to the Company for the County of Montreal only,—see 8 V. c. 84. s. 2, extending the periods mentioned in Sect. XI of this Act, to ten days instead of five,—s. 3, empowering the Directors to retain out of the money payable to a member sustaining loss by fire and having no other means of securing it, the amount of the promissory note given by such Member,—s. 4, enabling them to cancel the policy of a Member on the death or insolvency of his indorser, unless he provides a new indorser; and s. 5, making extracts from the registry of the Company, &c. *primâ facie* evidence at law.

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6 WILL. IV.—2nd Sess. 15th Parlt.—(*Earl of Gosford.*)

CAP. IV.—INSOLVENT DEBTORS, for the relief of, by allowing them the limits of the DISTRICT on certain conditions. With reference to this Act see 8 V. c. 17, repealing Sect. I & II of this Act, and extending the limits within which the Defendant may be at large, to the whole of Lower Canada. Sect. III & IV are not expressly mentioned in the said Act, but it would seem that the debtor must comply with their provisions to entitle him to the benefit of 8 V. c. 17?

CAP. XV.—SHERIFF OFFICE OF.—In the Tables "CAP. 15," should have been printed "CAP. XV." With regard to Sect. VIII & IX, see 7 V. c. 16. s. 17, providing that certain writs out of the Superior Term shall be addressed directly to Bailiffs, for whom the Sheriff would not then be responsible; and s. 62 & 63, as to the appointment of and security to be given by Bailiffs;—and s. 37, 47 & 48, &c., as to writs out of the Inferior Term and Circuit Courts. See also 7 V. c. 17. s. 5, extending the same rules generally to officers of Courts in Gaspé, and s. 8, 9, 10 as to Bailiffs more especially;—s. 26, as to the appointment of a Sheriff for the District of Gaspé and the security he shall give, and s. 27 as to sales of real property in that District. With

regard to Sect. XXII & XXIII, the Act 4 & 5 V. c. 20, is repealed by 7 V. c. 16. s. 1, and the District Courts are abolished; *Query*, as to the application of these Sections to seizures of rafts under writs issued out of Inferior Term or Circuit Courts and addressed to Bailiffs? see 7 V. c. 16. s. 31, 37, 47, &c. It does not appear that writs of attachment issuing out of the said Courts are to be addressed to Sheriffs, except when they are against lands, or to be executed in other districts, though the Act does not *expressly* say to whom they shall be addressed when issued before judgment?—Sect. XXVI & XXVII are superseded by 7 V. c. 17, under which the Court of Q. B. for Quebec has no jurisdiction in Gaspé, except as to suits pending in that Court at the commencement of the said Act.

CAP. XIX.—FEES to Persons employed by JUSTICES OF THE PEACE.—This Act is continued by 8 V. c. 26, to the end of the Session next after 31st December, 1849.

CAP. XXII.—LACHINE CANAL, for the management of.—With regard to this Act, see 8 V. c. 30. s. 1, again vesting the Canal in the Board of Works, repealing the Tolls established by this Act, and empowering the Governor in Council to establish others and to make regulations for the collection of such Tolls and the proper using of the Canal. The powers of the Commissioners under this Act, and others (see 1 G. 4. c. 6,) are not expressly transferred to the Board of Works—nor does the Act repeal any parts of former Act except such as may establish Tolls, and (incidentally) such as may be repugnant to the latter Act. Sect. IV, V, VI, VII, X, XVI & XVII, seem to be repealed—*Query*, as to the other Sections, unless the Members of the Board of Works be also made Commissioners under *this* Act? The regulations made under the said Act should not be contradictory to the provisions of this Act, but it does not seem to be requisite that they should be similar to them?

CAP. 24.—INLAND PORTS, CUSTOMS.—This Act is repealed by 8 V. c. 4. s. 1, and that Act though temporary will be in force long after 1st November, 1845, to which the duration of this Act was before limited.

CAP. XXVIII.—SEAMEN'S WAGES, recovery of, in cases where the Vessel belongs to or is registered in the Province.—With regard to this Act, see the Imperial Act, 7 & 8 V. c. 112. s. 1, repealing the Imperial Act 5 & 6 W. 4. c. 19, referred to in the notes,—and s. 14, 15, 16, 17, &c. establishing the mode of recovering such wages by Seamen of Vessels to which this Act does not apply. By s. 61, of the new Imperial Act, it does not "extend or apply to any Ship registered in or belonging to any British Colony having a Legislative Assembly, or to the crew of any such Ship, while such Ship shall be within the precincts of such Colony,"—See the said Section.

CAP. XXXIII.—MUTUAL INSURANCE COMPANIES.—With reference to this Act see notes on 4 W. 4. c. 33.

CAP. XXXV.—MARINERS, SICK, DUTIES imposed for providing a fund for their Medical treatment.—This Act is continued by 8 V. c. 26, to the end of the Session next after 31st December, 1849.—See also 8 V. c. 12, empowering the Governor to apply a certain sum yearly, out of the monies raised under this Act, to the relief of shipwrecked Seamen.

CAP. XLI.—ST. ANNE RIVER, BRIDGE OVER.—With reference to this Act see 8 V. c. 30. s. 1, repealing the Tolls on this Bridge, vesting it in the Board of Works, and empowering the Governor in Council to establish Tolls and make regulations for collecting them and for the proper using of the Bridge.

CAP. XLVI.—POLICE IN VILLAGES.—With reference to this Act see notes on 4 G. 4. c. 2, which it revives and amends, and also 8 V. c. 40.

CAP. LVI.—AGRICULTURE, for remedying ABUSES prejudicial to it.—This Act is continued by 8 V. c. 26, to the end of the Session next after 31st

December, 1849.—With regard to Sect. XX, see as to the City of Montreal the new Act 8 V. c. 59. s. 38, empowering the City Council to appoint Pound-Keepers; that Act does not repeal the incorporation Ordinances except where they are inconsistent with the Act. With regard to Sect. XXI, XXII, the 4 V. c. 3, is repealed by 8 V. c. 40. s. 1, and by s. 24 & 28 of that Act, the power of appointing Pound-Keepers and establishing public Pounds is expressly vested in the Council of the Municipality; the regulations made by this Act will apply to such Pounds and Pound-Keepers?—With regard to Sect. XXVII, XXVIII & XXIX, the 4 V. c. 3, is repealed by 8 V. c. 40. s. 1, and by s. 24, the Council of the Municipality is empowered to appoint Road Officers, Inspectors of Fences and Ditches, and such other Public Officers as they shall deem expedient; and these three sections, which provided for their election, are therefore superseded as inconsistent with the said Act, s. 28 of which empowers the Council to divide the Municipality into Surveyors' and Overseers' Districts, but says nothing of Inspectors' Districts, so that they seem to act for the whole Municipality?—With regard to Sect. XXXI, the 4 V. c. 3, is repealed as aforesaid, and the Act 8 V. c. 40 does not require any oath of office from the Inspector or any other Municipal Functionary except the Councillors. It would seem that under s. 28, (20thly) the Council might fine an Officer for refusing to act? and under s. 18 they might appoint another in his stead. The regulations in this Act and those not inconsistent with it made by the Council under s. 28 (5thly) would form the laws by which the Inspectors would be governed. For the "Parish, Seigniory or Township" of this Act the "Municipality" of the new Act will be substituted whenever their boundaries do not co-incide; the "Seigniory" is not a division recognized by that Act. With regard to Sect. XLVI, see 8 V. c. 40. s. 24, under which the Council of the Municipality may appoint such number of Road-Surveyors as they think proper, and s. 44, as to cases in which the co-operation of two or more Municipalities may be required. With regard to Sect. LVII, see 8 V. c. 40. s. 35, making the Commissioners' Court a competent tribunal in all proceedings for enforcing that Act.

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## ORDINANCES OF THE SPECIAL COUNCIL.

1 VICT.—1st Sess. of the Special Council.—(*Sir John Colborne.*)

CAP. XXII.—MILITIA, to regulate the.—This Ordinance is revived and continued by 8 V. c. 51, to the end of the Session next after 1st May, 1846, with an amendment empowering the Governor to dispense with the Militia muster in any year.

CAP. 23.—HARBOUR OF MONTREAL.—This Ordinance is repealed by 8 V. c. 76. s. 1.—See notes on 10 & 11 G. 4. c. 28.

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2 VICT. (1st Sess.)—2nd Sess. of the Special Council.—(*Earl of Dur.*

CAP. II.—POLICE, to establish an effective system of.—With reference to this Ordinance, see the Act 7 V. c. 21, passed expressly to amend it. And more especially with regard to Sect. VIII, see the said Act s. 1, providing that the Justice shall not immediately commit any person convicted of being loose, idle or disorderly, but shall impose a penalty and shall not commit unless the person be a non-resident and have no goods and chattels whereof the fine

may be levied.—With regard to Sect. XV, see s. 2 of the said Act, which virtually repeals it. By s. 3, 4 & 5, the charge must be reduced to writing and the fact which constitutes the offender loose, idle or disorderly must be stated, time must be allowed for the defence, and an appeal is given to the Quarter Sessions. — With regard to the City of Montreal only, see 8 V. c. 59. s. 50, 65, 66, 67, 68, 69, &c. as to the constabulary force to be established in the said City and the regulation and powers thereof. The said Act does not repeal this Ordinance or the former Ordinances incorporating the said City, except in so far as they may be inconsistent with the Act.

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2 VICT. (2nd Sess.)—3rd Sess. of the Special Council.—(*Sir John Colborne.*)

CAP. II.—ARMS AND MUNITIONS OF WAR, to authorize the seizing of in certain cases.—With reference to this Ordinance, see 8 V. c. 6, as to localities in which public works are being carried on, and to which the Act may be declared by proclamation to extend.

CAP. 13.—ASSISTANT JUDGES OF KING'S BENCH.—This Ordinance is repealed by 7 V. c. 16. s. 69, and other provision for a like purpose is made by s. 6 of that Act.

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2 VICT. (3rd Sess.)—4th Sess. of the Special Council.—(*Sir John Colborne.*)

CAP. VII.—ROAD LAWS, TO AMEND THEM.—With regard to Sect. II, the 4 V. c. 3, is repealed by 8 V. c. 40. s. 1; and by s. 24 & 28 of that Act the Council of the Municipality may appoint so many Overseers and Surveyors as they may think proper, and divide the Municipality into Surveyors' and Overseers' Districts. Sect. III & V remain repealed, being inconsistent with the provision above cited of 8 V. c. 40. *Query*, as to the obligation of the Council to perform the *duties* of the Grand Voyer for whom they are substituted, and to cause a tour of inspection to be made by the proper officer? Sect. VIII remains repealed, no *procès verbal* being requisite under 8 V. c. 40. s. 30:—*Query*, as to the effect of Sect. IX in repartitions made under any By-Law of the Council?—The powers given in Sect. XIII, XIV, XVI, XIX, XX and XXII, will now be vested in the Council of the Municipality under 8 V. c. 40. s. 30. With regard to Sect. XIX, the 4 V. c. 3, is repealed as aforesaid. The Town of Three-Rivers is not exempted from the operation of 8 V. c. 40, and the powers here given to the Magistrates will be vested in the Council of the Municipality under s. 30,—or under s. 51, if the inhabitants avail themselves of the provisions of the second Part of the said Act.

CAP. XIII.—FERRYMEN, FERRIES, FOR REGULATING.—With regard to Ferries from places within nine miles of the City of Montreal to the said City, see 8 V. c. 59. s. 48 giving the City Council *exclusive* power to grant or refuse licenses for such ferries, and s. 50 empowering them to impose a tax on such ferrymen:—See also with regard to ferries generally, 8 V. c. 40. s. 28, giving the Councils of the Municipalities power and authority as to the granting of licenses for ferries, and fixing and levying the tolls at such ferries.

CAP. XIV.—TAVERNS, SPIRITUOUS LIQUORS, Sale of.—With reference to this Ordinance and the other laws concerning Licenses to Tavern keepers, see 8 V. c. 4. s. 1, repealing the Act (7 G. 4. c. 5) establishing the form of issuing licenses, and s. 10 enabling the Governor in Council "to determine the times, manner and form, and the officer by whom all licenses on which any

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duty shall be payable are to be issued:"—also 8 V. c. 72. s. 3, appropriating the monies from tavern licenses to municipal purposes.—By 3 & 4 V. c. 31. s. 41, and 8 V. c. 59. s. 50, the City Councils in Quebec and Montreal can impose taxes on Tavern keepers and retailers of spirituous liquors.

CAP. 21.—ORDNANCE PROPERTY, to vest it in the Principal Officers of the Ordnance and to grant them certain powers.—This Ordinance is repealed by 7 V. c. 11. s. 38,—the said Act making more ample provision for like purposes.

CAP. XXVI.—RELIGIOUS CONGREGATIONS, LANDS to be holden by them.—With regard to Sect. IV, see 8 V. c. 35. s. 2, 3, 4, enabling the Unitarians of Montreal to hold two arpents, but without limiting them as to place, or giving them power to hold more any where.

CAP. 36.—BANKRUPTS, ADMINISTRATION OF THEIR ESTATES AND EFFECTS.—This Ordinance is repealed by 7 V. c. 10. s. 73, the said Act making more ample provision for like purposes in both Sections of the Province;—see also, 7 V. c. 16. s. 26.

CAP. 49.—PRACTICE, Debtors having no domicile, Lessors' Oppositions, Issue of Attachments without a *fiat*, &c.—This Ordinance is repealed by 7 V. c. 16. s. 69,—and s. 37, 54, 55, &c. of the said Act make provision for like purposes.

CAP. LX.?—MARKET, NEW AT MONTREAL.—With reference to this Act see 8 V. c. 59, and notes on 47 G. 3. c. 7.

CAP. 62.—HARBOUR OF MONTREAL; for the more easy collection of the Harbour Dues.—This Ordinance is repealed by s. 1 of 8 V. c. 76, which makes other provision for like purposes.

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3 & 4 VICT.—5th Sess. of the Special Council.—(*C. P. Thomson.*)

CAP. 4.—GASPÉ, ADMINISTRATION OF JUSTICE IN.—This Ordinance is repealed by 7 V. c. 17. s. 30, with the Acts it made permanent.

CAP. 9.—ADMINISTRATION OF JUSTICE; Enquêtes in civil matters.—This Ordinance is repealed by 7 V. c. 16. s. 69,—and s. 12, 13, &c. of that Act make provision for like purposes.

CAP. 18.—ORDNANCE PROPERTY.—This Ordinance is repealed with 2 V. (3) c. 21, by 7 V. c. 11. s. 38.

CAP. 24.—ASSISTANT JUDGES. This Ordinance is repealed by 7 V. c. 16. s. 69,—and s. 6 of that Act makes provision for like purposes.

CAP. XXV.—WINTER ROADS, VEHICLES ON.—With reference to this Act, and 4 V. c. 33,—see 8 V. c. 52, which suspends for one year (from 29th March 1845) and with regard to the Districts of Quebec and Gaspé and part of that of Three Rivers, so much of this Ordinance and of 4 V. c. 33, as enacts that no other vehicles than those mentioned in the Ordinance shall be used on the Queen's highways. The note on Sect. II in the Tables should have referred to Sect. III, and not to Sect. II.

CAP. 28.—HARBOUR OF MONTREAL.—This Ordinance is repealed by 8 V. c. 76. s. 1. See notes on 10 & 11 G. 4. c. 28.

CAP. 29.—HARBOUR OF MONTREAL.—This Ordinance is repealed by 8 V. c. 76. s. 1.

CAP. XXXI.—TURNPIKE ROADS NEAR MONTREAL.—With reference to this Act and 4 & 5 V. c. 35, amending it, see 7 V. c. 14, exempting from Toll,—vehicles solely laden with manure from Towns,—persons attending Divine Service,—and persons going not more than half a mile from one part of their lands to another.

CAP. XXXV.—QUEBEC, INCORPORATION OF.—With reference to this Act and 4 V. c. 31, amending it, see 8 V. c. 60, making further amendments; and more especially with regard to Sect. I, see 8 V. c. 60. s. 1, changing the corporate name;—With regard to Sect. IX, see 8 V. c. 60. s. 2, repealing it and s. 5 of 3 & 4 V. c. 31 and enacting that there shall hereafter be no Aldermen of the said City;—With regard to Sect. XIV, see 8 V. c. 60. s. 3 & 16, altering the day of election to first Monday, and that of Mayor to the second Monday in February in each year, and s. 4 providing that St. John's Ward and St. Roch's Ward shall each be represented by *four* Councillors;—With regard to Sect. XVII, see 8 V. c. 60. s. 5, providing that if there be no contest the Poll shall be closed immediately, and that if there be one, it shall be open from 9 to 4 on two days instead of one;—With regard to Sect. XXIX & XXX, see 8 V. c. 60. s. 15, providing that Councillors removing permanently from the City or absent from it above six months on business shall not be liable to a penalty, but that the Council may declare their seats vacant and cause others to be elected in their stead;—With regard to Sect. XXXIII, see 8 V. c. 60. s. 19, repealing so much of it as empowers Justices of the Peace to order payments to be made out of the City Funds.—With regard to Sect. XXXVI, see 8 V. c. 60. s. 6. providing that the Mayor or Chairman shall vote only in case the other Members are equally divided;—With regard to Sect. XXXVIII, see 8 V. c. 60. s. 17, repealing it, and providing that the Council may meet at such fixed periods as shall be appointed by By-law, and may adjourn from time to time; Sect. XXXVII, is not however repealed. With regard to Sect. XLI, see 8 V. c. 60. s. 7, 8, 9, 14 & 20, enabling the Council to make By-laws for certain other purposes,—and s. 11, making certified copies of the By-laws, evidence.—With regard to Sect. XLIII, see 8 V. c. 60. s. 12, enabling the Council to reduce overcharges on assessments. By 8 V. c. 60. s. 18, the Council may appoint a Councillor to act as Mayor during the absence of that functionary,—by s. 21, monies payable to the Council may be recovered before any court of competent jurisdiction, and no Member of the Council is to act as a Justice of the Peace, on any prosecution brought under any By-Law of the Council (this seems to be directly in opposition to the principle adopted in 8 V. c. 59, establishing a *Mayor's Court* in Montreal).—By s. 10, 22 & 23, the City accounts are to be published annually, the financial year is to be the same as the natural year, and the Mayor is empowered to appoint deputies to certain Officers. So much of this Ordinance and of 4 V. c. 31, as may be inconsistent with the said Act, is of course repealed by it.

CAP. XXXVI.—MONTREAL, INCORPORATION OF.—With reference to this Ordinance and 4 V. c. 32 amending it, see 8 V. c. 59.—The Ordinances are not repealed by that Act except in so far as they may be inconsistent with it, the Corporation remains the same though its corporate name be changed, and its rights, powers and obligations, given, imposed or contracted by or under the Ordinances remain unimpaired unless they are incompatible with the Act. The boundaries of the City remain the same, but the division into Wards is altered and their number increased to nine;—the distinction of Alderman is not abolished (as it is in Quebec) and the property qualifications for an Alderman and a Councillor are different; under s. 32, the Deputy Mayor should be an Alderman, but it does not seem necessary that the Mayor should be so, unless elected under s. 32 to fill a vacancy *pro tempore*, or that the Aldermen have any other special powers or privileges? A difference is made (s. 15) in the number of Councillors to be returned for the several wards, but the Council will (s. 28) remain unchanged until the next election day, 1st Monday in March, 1846;—a third Assessor for each ward is to be added by the Council, and the mode of valuation is more strictly defined, (s. 19)—provisions are

made for the manner of holding Elections, (s. 23) for registration of Electors, (s. 11,) and to prevent violence at Elections (s. 24)—voters must be persons assessed to a certain amount, and must have paid all rates and assessments on them; persons duly qualified, elected as Mayor, Alderman or Councillors and refusing to serve, will incur a penalty unless exempted, (s. 35;)—by s. 36, the Mayor, or an Alderman or Councillor becoming bankrupt or absent more than a certain time, (except in case of illness) will become disqualified, and will incur a fine for absence (this seems to be at variance with the principle of the Act for Quebec, 8 V. c. 60. s. 15);—The powers of the Council are detailed in s. 38, 39, 47, 48, 49, 50, 51, 52, 53, 55, 56, 59, &c.—and are much more ample than those given by the former Ordinances, including the *exclusive* power of granting licenses for ferries from places not more than nine miles from the City,—the appointment of Committees for any purpose,—of enforcing a summary remedy against their officers,—fining assessors acting improperly,—compelling the inclosure of vacant lots,—the power of taxing persons using occupations, to many of which their power did not before extend, —the establishment of boards of health,—pulling down ruinous buildings,—regulating servants, apprentices, journeymen, &c,—to regulate the weight and quality (*not price*) of bread,—to determine contested elections of Councillors,—to compel their attendance at Meetings of the Council,—to assess specially for compensating damages occasioned by riots or mobs,—to prohibit the erection of wooden buildings in certain parts of the City, and to compel the erection of party walls between buildings,—to cause inquiry to be made into the origin of fires, to make By-Laws relative to the sweeping of chimnies and a tariff,—to take property for improvements, making compensation in a certain manner, (s. 59, 60, 61, 62 & 63,) and (s. 82) in case of opening or enlarging public streets, squares, &c., to take a depth of 100 feet "by whatever length may exist," over and above that actually required for the said purpose,—to establish a constabulary force, having very considerable powers, (s. 65, 66, 67, 68, 69,)—to punish cruelty to animals, (s. 81.)—A Mayor's court to be held by any three members of the City Council is established (s. 70 & 71) with summary jurisdiction in all cases of money payable to the Corporation for assessments, taxes, &c. imposed by any By-Law, of offences against By-Laws, and of penalties incurred under By-Laws, or under Acts concerning markets or assessments; and with power to execute their judgments by sale of goods and chattels or by imprisonment for a certain time,—to examine and compel the attendance of witnesses, &c., and to award costs, to punish contempts committed during their sittings, and to make a tariff of fees for the Court,—the *amount* of jurisdiction is not limited, and the evidence of one witness is made sufficient, inhabitants of Montreal being competent unless specially interested;—the process of the Court is to run in Her Majesty's name, but need not be under seal;—the jurisdiction is not made exclusive, no appeal is given, but the *certiorari* is not taken away:—by s. 40, assessments on real property are liable to an increase of 10 per cent. per annum while unpaid, and the property may be sold by the Sheriff at the end of five years, in satisfaction of any judgment whether of the Mayor's Court, or any other Court; no special *privilege* seems to be given except that under s. 74; all fines and penalties under By-Laws are to belong to the Corporation only, and to be sued for in its name and no other;—a privileged claim on real or personal property, for two years assessments or rates imposed on it, is given by s. 74; it is not said whether such claim is subject to registration?—By s. 80, the City-Surveyor is to make a plan of the vacant ground in the City, shewing the portions which ought to be reserved for streets, by which, after certain formalities, the parties interested will be bound; this would seem to be substituted for the plan made for a similar purpose under 39 G. 3. c. 5. s. 27?—Laws repealed by the former Ordinances are to continue repealed, (s. 75,) and certain parts of Acts repealed by 3 & 4 V. c. 36. s. 48, are again

repealed by s. 39 of this Act, but (as before stated) the Ordinances themselves are not repealed, and there may be some very few of their provisions, (for instance the concurrent jurisdiction of the Justices of the Peace under 4 V. c. 32. s. 36 & 37, and 3 & 4 V. c. 36. s. 51, as to compensation for abolished officers) which may be still in force and necessary,—in general, however, more ample provisions have been made on every subject to which the former Ordinances relate, and these provisions if different supersede the former ones, and if similar render them of no further use:—It would have been better, as avoiding all doubts, if after due care that *every* provision it was intended to preserve had been re-enacted, the former Ordinances had been expressly repealed. The main points of difference and comparison have been noticed above; to enter into further detail would be to revise the new Act and not the Ordinances.—See also, with reference to the said Ordinances and Act, 7 V. c. 44, authorizing the corporation to purchase the Water-Works.

CAP. XXXIX.—ASSESSMENTS, TO EXEMPT THE HORSES OF CERTAIN OFFICERS FROM, IN QUEBEC AND MONTREAL.—In Quebec no change appears to have been made,—but by 8 V. c. 59. s. 50, the City Council in Montreal may impose duties on horses "kept for pleasure, for *working*, or hiring out,"—*Query*, whether this Act would affect such duty.

CAP. XLII.—TAVERNS, SPIRITUOUS LIQUORS, SALE OF.—See notes on 2 V. (3) c. 14, which it amends.

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4 VICT.—6th Session of the Special Council.—(*Lord Sydenham.*)

CAP. 1.—ADMINISTRATION OF JUSTICE.—This Ordinance is repealed by 7 V. c. 16. s. 69.

CAP. 2.—ADMINISTRATION OF JUSTICE.—This Ordinance is repealed by 7 V. c. 16. s. 69.

CAP. 3.—PARISH AND TOWNSHIP OFFICERS.—This Ordinance is repealed by 8 V. c. 40. s. 1, but laws repealed by it remain repealed.

CAP. 4.—MUNICIPAL DISTRICTS AND DISTRICT COUNCILS.—This Ordinance is repealed by 8 V. c. 40. s. 1, but laws repealed by it remain repealed. See also 8 V. c. 77, for ascertaining the liabilities of the former District Councils, with a view to provide means for the payment thereof.

CAP. VII.—TURNPIKE ROADS NEAR MONTREAL.—With reference to this Ordinance, see notes on 3 & 4 V. c. 31, which it amends.

CAP. VIII.—TEMISCOUATA PORTAGE ROAD.—With reference to this Ordinance, see 7 V. c. 14, making certain exemptions from toll, mentioned in notes on 3 & 4 V. c. 31.

CAP. XI.—TURNPIKE ROAD FROM GRANBY TO ST. JOHN'S.—With reference to this Ordinance, see 7 V. c. 14, making certain exemptions from toll, mentioned in notes on 3 & 4 V. c. 31.

CAP. XVI.—TURNPIKE ROAD FROM MONTREAL TO CHAMBLY.—With reference to this Ordinance, see 8 V. c. 56, extending its provisions to another piece of road, and fixing the tolls on such road, and authorizing the Trustees to borrow more money,—also 7 V. c. 14, making certain exemptions from toll, mentioned in notes on 3 & 4 V. c. 31.

CAP. XVII.—TURNPIKE ROADS NEAR QUEBEC.—With reference to this Act, see 8 V. c. 55, amending it by authorizing the Commissioners to borrow a further sum,—repealing so much of Sect. X as fixes the rates of toll, and establishing other rates,—fixing a scale of commutation instead of leaving it to be settled by agreement,—extending the Ordinance to the road from *Cham-*

*pigny* Hill to the Red Bridge, and providing for the case of Dorchester Bridge being acquired by the Government and placed under the control of the Trustees: See also 7 V. c. 14, making certain exemptions from toll, mentioned in notes on 3 & 4 V. c. 31.

CAP. XX.—COURT HOUSES AND GAOLS IN THE JUDICIAL DISTRICTS.—The Act 4 & 5 V. c. 20, is repealed by 7 V. c. 16. s. 1, but Laws and Courts repealed or abolished by it remain repealed or abolished. This Ordinance has not been made applicable to the new system of judicial division of the Province established by 7 V. c. 16 & 17, though Court Houses and Gaols may be required in the Circuits or some of them; By Sect. X £50,000 was appropriated to build Court Houses and Gaols in Lower Canada, and by 4 & 5 V. c. 20. s. 95, (applying the Ordinance to the Inferior District established by that Act) the Legislature of Canada confirmed the grant, which however, has still to be applied to existing divisions.

CAP. XXI.—BRIDGE OVER THE CAP ROUGE RIVER.—With reference to this Act see 8 V. c. 30, vesting the Bridge in the Board of Works, repealing the tolls, and empowering the Governor in Council to establish others, and to make regulations for the proper using of the Bridge.

CAP. XXII.—TURNPIKE ROAD FROM MONTREAL TO COTE ST. MICHEL.—With reference to this Ordinance see 7 V. c. 14, making certain exemptions from toll, mentioned in notes on 3 & 4 V. c. 31.

CAP. 26.—ADMINISTRATION OF JUSTICE,—COMMISSIONER OF THE INFERIOR TERM AT MONTREAL.—This Ordinance was not continued and expired at the end of the Session of 1843.

CAP. XXVIII.—TAVERNS—SPIRITUOUS LIQUORS, Sale of.—See notes on 2 V. (3) c. 14, which it amends.

CAP. XXX.—REGISTRATION OF TITLES TO AND CLAIMS UPON REAL PROPERTY, ALIENATION OR HYPOTHECATION OF SUCH PROPERTY.—With reference to this Ordinance, see 7 V. c. 22, 23,—8 V. c. 21, 27, 28. And more especially, with regard to Sect. I, see 7 V. c. 22. s. 9, and 8 V. c. 27. s. 7, providing that the prior registration of a subsequent title or instrument creating an incumbrance, shall not affect a proprietor in open and public possession of the property;—With regard to Sect. II, the Act 8 V. c. 43, (amending 7 V. c. 27 authorizing the Seigniors of certain Fiefs in Montreal to commute,) specially reserves the same privilege for the commutation money, if secured on the property, which the Seignior had for the rights commuted, and so also does the general commutation Act, 8 V. c. 42. s. 2,—*Query*, as to the necessity for registering such privilege, even *arrears* of seigniorial rights being exempted by 6 V. c. 15. s. 2? With regard to Sect. IV, see 7 V. c. 27. s. 12 & 13, prolonging the period for registering documents under this Sect., and allowing them to be effectually registered upon or before 1st November 1844, failing which they will be void and of no effect whatever against any subsequent purchaser whose claim is registered before them. Sect. V is repealed from and after 1st March 1844, by 7 V. c. 22. s. 1, with so much of Sect. LVIII, as substitutes the Districts to be constituted by Proclamation for the Judicial Districts mentioned in Sect. V, and by s. 2 of that Act Registry Offices are established in each *County* in Lower Canada;—by s. 3 the Registers of the former Registry Counties are to be returned to the offices of the Counties from which they were taken, (see Sect. LIII) and by s. 4, all other documents in the Registry Offices established under the Ordinance are to remain in the Counties in which such offices were kept, but certified copies of all documents affecting lands in another County are to be transmitted to the office for such County:—See also 7 V. c. 23, annexing Isle Bizarre for Registration purposes to the Registration District of Montreal, "as if it were part

of the Island and County of Montreal,"—7 V. c. 28, annexing the Township of Chatham Gore to the County of Two Mountains "to and for all intents and purposes whatsoever,"—8 V. c. 21, annexing the Parish of St. Sylvester to the County of Megantic for like purposes,—and 8 V. c. 28, detaching the Island of Orleans for like purposes from the County of Montmorency. There is an error in the Act last mentioned, the Act 7 V. c. 22 being cited as passed in the "fourth" instead of the "seventh" year of Her Majesty's Reign, but the title is correctly given, there is no other Act having the same title, and the very same Act is correctly cited in the next preceding chapter of the same Session, as passed in the "seventh" year, so that there can scarcely be any *legal* doubt of the intention of the Legislature, under the rules of construction adopted in the Civil Law of Lower Canada?—With regard to Sect. VI, VII, VIII & IX, all the provisions of the Ordinance which can be so applicable, appear to apply to Registers for Counties as they did before to those for Districts?—*Query*, as to the amount of security, the Counties being in general smaller than the Districts; under 4 & 5 V. c. 91. s. 2, the Governor could fix the amount at that mentioned in the Ordinance, but can he make it less?—With regard to Sect. X, XI, XII & XIII, see 7 V. c. 22. s. 7, providing that the certificate of the register shall contain a copy of the Memorial, or be indorsed on a copy thereof,—and 8 V. c. 27. s. 1, providing that Memorials may be executed by and registered at the instance of any party having an interest, direct or indirect, in the registration or of the debtor or party charged,—and may be attested before any Notary, Commissioner for receiving Affidavits to be used in Q. B. or Justice of the Peace,—that the Registration by Memorial shall avail to all parties interested in the instrument it relates to, and may be registered on being presented by any person producing such instrument;—s. 2 provides that Memorials executed in any part of *this Province*,(Canada) may, on the observance of the said formalities only, be registered at the instance of *any person whomsoever*, so that interest in the instrument is not required in such case?—With regard to Sect. XVI, see the last note as to persons by whom Memorials may be made,—see also 7 V. c. 22. s. 10, amending and explaining this section, and providing that it shall save the right to the arrears of interest for two years and the current year,—that the hypothec for interest not preserved by the original registration shall date from the registration,—that the claim for interest need not be attested on oath when founded on the authentic document,—and that the registration of the title shall save the interest or arrears for five years and the current year in the case of alimentary pensions, life rents, rents under lease, interest on the price of the property, or arrears of a *rente foncière* or *constituée* upon it:—and with regard to this section, and Sect. XL and others, see 8 V. c. 27. s. 5 & 6, facilitating the entry of documents fyled on or before 1st November 1844, (so that all such documents may be registered in six months after 29th March 1845,) and providing that a certificate of the entry of any such document for registration shall be sufficient without mentioning the book or page in which it is registered:—With regard to Sect. XVIII, see 7 V. c. 10. s. 37, declaring all conveyances and contracts, and other dealings and transactions with any Bankrupt before the date of the Commission to be valid notwithstanding any act of Bankruptcy, provided the party dealing with him had no notice of such act of Bankruptcy; also s. 38 as to payments made by the Bankrupt; the 2 V. (3) c. 36 is repealed by the said Act:—With regard to Sect. XIX and others, see 7 V. c. 16, 17, as to the division of the Province for judicial purposes:—With regard to Sect. XXI, see 7 V. c. 10. s. 79, as to the registration of the contracts of marriage of persons being or becoming traders, making them void against creditors if not registered within a certain time, but providing that marriage contracts already registered in Lower Canada need not be again registered under the said Act;—With regard to Sect. XXXV & XXXVII, see 8 V. c. 27. s. 3 & 4, declaring that the words

"legal" and "customary" dower in Sect. XXXV or any other part of the Ordinance shall be construed, as well in past transactions as for future, to include stipulated (*préfixe*) or conventional dower,—and that dower of either kind may be released by an instrument passed subsequently to the deed alienating the property, whether such deed shall have been passed before or after the passing of the Act or of the Ordinance:—With regard to Sect. XXXVIII, see 7 V. c. 22. s. 11, providing a simple form of creating an hypothec on lands held in free and common soccage:—With regard to Sect. XL, see 7 V. c. 22. s. 5 & 6, providing that *all* documents whether passed before Notaries or Witnesses may be registered at full length,—that if the document be a notarial instrument or a judicial act or proceeding, or any matter of record, it may be registered on the mere production of a notarial or duly authenticated copy, without any requisition in writing,—and that such registration shall preserve the rights of all parties interested in the document registered:—With regard to Sect. XLV, see 7 V. c. 22. s. 8, providing for the registration of partial discharges, which (as well as of total discharges) may be made on the production of the certificate mentioned in the Ordinance, or of a notarial instrument or judicial proceeding proving such discharge,—and giving an action to the party discharged to obtain from the incumbrancer a certificate or document which can be so registered:—With regard to Sect. LII, see the preceding notes on Sect. X, XI, XII & XIII, and on Sect. XL as to the parties by whom or at whose instance, &c. registration may be effected:—With regard to Sect. LIII & LVIII, see the preceding notes on Sect. V. The Act 8 V. c. 27, is a *temporary* Act and is at present continued in force until the end of the Session next after 29th March 1847: the 7 V. c. 22 is permanent.

CAP. XXXI.—QUEBEC, INCORPORATION OF.—See notes on 3 & 4 V. c. 35.

CAP. XXXII.—MONTREAL, INCORPORATION OF.—See notes on 3 & 4 V. c. 36.

CAP. XXXIII.—ROADS, WINTER, FOR THE IMPROVEMENT OF.—See notes on 3 & 4 V. c. 25.

END OF SUPPLEMENT TO TABLE I.

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# SUPPLEMENT

TO

# TABLE II.

## CLASS A.

RELATING TO THE CONSTITUTION AND TO POLITICAL RIGHTS AND INSTITUTIONS.

PARLIAMENT, PROVINCIAL, (and Commissions) continued on demise of the Crown.—7 V. c. 3 & 8.

ASSEMBLY, to secure the independence of.—7 V. c. 65,—*and mark as not in force* 51 G. 3. c. 4—1 W. 4. c. 42—4 W. 4. c. 32.

SPEAKER OF LEGISLATIVE COUNCIL, salary of.—8 V. c. 73.

ELECTORAL DIVISIONS, boundaries of.—*Add* 7 V. c. 28.

ELECTIONS.—*Add* 8 V. c. 9 & 10.

ALIENS, Naturalization of.—8 V. c. 107.

## CLASS B.

RELATING TO THE STATISTICS OF THE PROVINCE.

CENSUS.—*Add* 7 V. c. 24.

## CLASS C.

RELATING TO PENAL LAW—THE DEFINITION OF OFFENCES AND THEIR PUNISHMENT.

PARTY PROCESSIONS, to restrain.—7 V. c. 6.

GAME, FISH, taking at certain seasons.—7 V. c. 12, 13—8 V. c. 46.

RIOTS ON PUBLIC WORKS.—8 V. c. 6.

EXECUTION for Murder.—*Put* 41 G. 3. c. 9, *instead of* 41 G. 3. c. 10.

## CLASS D.

RELATING TO THE ADMINISTRATION OF JUSTICE, JUDICATURE, COURTS, PRACTICE, AND PROCEEDINGS FOR ENFORCING THE LAW CIVIL AND CRIMINAL.

JUDICATURE, COURTS, &c.—*Add* 7 V. c. 15 (Independence of Judges)—16 & 18—*and mark as not in force* 4 V. c. 1—4 & 5 V. c. 20.

ASSISTANT JUDGES.—*Mark as not in force* 2 V. (2) c. 13—3 & 4 V. c. 24.

THREE RIVERS.—*Mark as not in force* 47 Geo. 3. c. 6—57 G. 3. c. 18—10 & 11 G. 4. c. 22.

MONTREAL, (Commr. of Inferior Term.)—*Mark as not in force* 4 V. c. 26.

ST. FRANCIS, DISTRICT OF.—*Add* 7 V. c. 20—*and mark as not in force* 3 & 4 V. c. 9.

GASPÉ.—*Add* 7 V. c. 17—8 V. c. 32—*and mark as not in force* 2 G. 4. c. 5—4 G. 4. c. 7—6 G. 4. c. 25—2 W. 4. c. 50—3 & 4 V. c. 4.

MAGDALEN ISLANDS.—*Mark as not in force* 4 & 5 V. c. 22.

SMALL CAUSES.—7 V. c. 19.

LIMITATION OF ACTIONS.—8 V. c. 31.

PRACTICE in various matters.—*Mark as not in force* 2 V. (3) c. 49.

ENQUÊTES.—*Mark as not in force* 1 W. 4. c. 2—3 & 4 V. c. 9.

LIMITS OF LOWER CANADA, allowed on Ca. Sa.—8 V. c. 17.

CRIMINAL TERM OF K. B. at Montreal.—*Mark as not in force* 10 & 11 G. 4. c. 16.

POLICE IN TOWNS.—*Add* 7 V. c. 21.

OFFENDERS escaping from UNITED STATES surrender of.—Imperial Act, 6 & 7 V. c. 76 and Treaty.

PEACE OFFICERS, appointment of.—*Add* 8 V. c. 18 (District of St. Francis.)

## CLASS E.

RELATING TO REAL PROPERTY AND RIGHTS.

REGISTRATION of Titles, Claims, &c.—*Add* 7 V. c. 22 & 23—8 V. c. 21, 27 & 28.

COMMUTATION OF TENURE, generally.—8 V. c. 42—in certain Fiefs at Montreal, 7 V. c. 27—8 V. c. 43.

## CLASS F.

RELATING TO CUSTOMS, DUTIES, REVENUE, NAVIGATION, CURRENCY, BANKS, AND MATTERS MORE ESPECIALLY CONNECTED WITH TRADE AND COMMERCIAL AFFAIRS.

CUSTOMS generally.—*Add* 7 V. c. 2 *—8 V. c. 1, 3 & 4—*and* Imperial Act 5 & 6 V. c. 14 (Corn)—*and mark as not in force* 4 G. 4. c. 14 *and add* 7 V. c. 1.

INLAND PORTS.—*Mark as not in force* 6 W. 4. c. 24.

TAVERNS, HAWKERS, &c., Licences for.—*Add* 8 V. c. 72—*and mark as not in force* 7 G. 4. c. 5.

DISTILLERIES.—*Add* 8 V. c. 29—*and not in force* 8 V. c. 2.

* NOTE.—Marked in the Table annexed to the Revised Statutes as *not in force*, but the duties only are repealed by 8 V. c. 3.

SICK MARINERS.—*Add* 8 V. c. 12.

SEAMEN, SHIPPING and NAVIGATION.—*Add* 8 V. c. 5 *and* Imperial Acts 7 & 8 V. c 112—5 & 6 V. c. 17 (Deck loads) *and* 5 & 6 V. c. 107 (Passengers)—*And mark as not in force* Imperial Acts—5 & 6 W. 4. c. 19—4 & 5 V. c. 17—*and* 5 & 6 W. 4. c. 53.

LUMBER, INSPECTION OF.—*Add* 8 V. c. 49—*and not in force* 7 V. c. 25—*and mark as not in force* 6 V. c. 7.

INTEREST, BILLS OF EXCHANGE, NOTES, &c.—*Add* 7 V. c. 4.

BANKS, CHARTERED, (Transfer of Stock in London.)—7 V. c. 62.

BANK OF MONTREAL.—*Add* 7 V. c. 46.

BANQUE DU PEUPLE.—7 V. c. 66.

BOARD OF TRADE, (Quebec and Montreal).—*Add* 8 V. c. 67.

BANKRUPTS.—*Add* 7 V. c. 10—*and mark as not in force* 2 V. (3) c. 36.

## CLASS G.

RELATING TO PUBLIC WORKS, IMPROVEMENTS AND PROPERTY.

BOARD OF WORKS and Public Works, (Tolls on).—*Add* 8 V c. 30.

ROADS, WINTER.—*Add* 8 V. c. 52.

ROADS, near Quebec (Turnpike).—*Add* 8 V. c. 55.

CHAMBLY Turnpike Road.—*Add* 8 V. c. 56.

TURNPIKE ROADS (Exemptions from Toll).—7 V. c. 14.

LACHINE CANAL.—*Mark as not in force* 4 G. 4. c. 16—5 G. 4. c. 19.

WELLAND CANAL, Shares in purchased.—7 V. c. 34—8 V. c. 74.

HARBOUR OF MONTREAL.—*Add* 8 V. c. 76—*and mark as not in force* 10 & 11 G. 4. c. 28—1 W. 4. c. 11—2 W. 4. c. 36—1 V. c. 23—2 V. (3) c. 62—3 & 4 V. c. 28 & 29—4 V. c. 12.

PUBLIC WORKS, (Appropriations for).—*Add* 8 V. c. 71 & 75.

## CLASS H.

RELATING TO MUNICIPAL AND LOCAL AUTHORITIES, AND MATTERS NOW UNDER THEIR CONTROL.

MUNICIPAL DISTRICTS.—*Add* 8 V. c. 77—*and mark as not in force* 4 V. c. 4.

MUNICIPALITIES.—8 V. c. 40.

PARISH AND TOWNSHIP OFFICERS.—*Mark as not in force* 4 V. c. 3.

QUEBEC, Incorporation of.—*Add* 8 V. c. 60.

MONTREAL, Incorporation of.—*Add* 7 V. c. 44—8 V. c. 59.

## CLASS I.

RELATING TO EDUCATION AND EDUCATIONAL INSTITUTIONS.

COMMON SCHOOLS,—Elementary Education.—*Add* 7 V. c. 9 ?—8 V. c. 41.

ROYAL INSTITUTION (McGill College property).—*Add* 8 V. c. 78.
BISHOP'S COLLEGE.—7 V. c. 49.
BAPTIST MISSIONARY SOCIETY (College at Montreal.)—8 V. c. 102.
EDUCATION SOCIETY (Quebec.)—7 V. c. 50.
PETIT SEMINAIRE de Ste. Therèse de Blainville.—8 V. c. 100.
SEMINARY OF QUEBEC.—7 V. c. 55.
HIGH SCHOOL, Quebec.—8 V. c. 105.
——————— Montreal.—8 V. c. 104.

## CLASS K.

RELATING TO MISCELLANEOUS SUBJECTS ARRANGED IN THEIR ALPHABETICAL ORDER.

ACTS continued.—*Add* 8 V. c. 26
AGRICULTURAL SOCIETIES.—*Add* 8 V. c. 53—*and mark as not in force* 58 G. 3. c. 6—1 G. 4. c. 5—4 W. 4. c. 7.
ANATOMY, to facilitate the study of.—7 V. c. 5.
BISHOP OF MONTREAL, (Transfer of certain lands by him)—7 V. c. 48.
BRIDGE, Gosselin, River Boyer.—*Add* 7 V. c. 56.
——— *Add* Yule J., River Richelieu.—8 V. c. 90.
BUILDING SOCIETY, Montreal.—8 V. c. 94.
CANADA INLAND FORWARDING COMPANY.—7 V. c. 59.
CHAMBLY COTTON FACTORY.—8 V. c. 92.
CHURCH TEMPORALITIES.—6 V. c. 32.
——— SOCIETIES of Quebec and Toronto.—7 V. c. 68.
CIVIL GOVERNMENT, supplies for support of.—*Add* 8 V. c. 69, 70, 71.
COMMISSIONS, continued on demise of the Crown.—7 V. c. 8.
CONGRÉGATION DE NOTRE DAME.—7 V. c. 51.
DAMES RELIGIEUESES du Sacré Cœur.—7 V. c. 54.
——————————— of Notre Dame de Montréal.—8 V. c. 99.
GASPÉ FISHERY AND MINING COMPANY.—7 V. c. 45—8 V. c. 97—*and* Imperial Act 7 & 8 V. c. 90.
GEOLOGICAL SURVEY.—8 V. c. 16.
LAUZON, Sale of.—7 V. c. 26.
LAWS, proof of printed copies.—7 V. c. 4.
——— printing and distribution of.—8 V. c. 68—*and mark as not in force*, 2 W. c. 33.
LYING-IN HOSPITAL, Montreal.—7 V. c. 53.
MECHANICS' INSTITUTE, Montreal.—8 V. c. 93.
MEDICINE SCHOOL OF, at Quebec.—8 V. c. 80.
——————————— at Montreal.—8 V. c. 81.
MERCANTILE LIBRARY ASSOCIATION, Montreal.—7 V. c. 47.
MILITIA.—*Add* 8 V. c. 51—*mark as in force* (revived) 1 V. c. 22—*and as suspended* 27 G. 3. c. 2—29 G. 3. c. 4.
MORGAN and others, naturalized.—7 V. c. 43.

MUTUAL INSURANCE COMPANIES.—8 V. c. 8

NORTH AMERICAN COLONIAL ASSOCIATIO—4 & 5 V. c. 54—8 V. c. 87.

NOTARIES may be Clerks of certain Courts.—8 V. c. protests, by effect of in U. C.—7 V. c. 4.

ORDNANCE PROPERTY.—*Add* 7 V. c. 11—*and ma as not in force* 2 V. (3) c. 21—3 & 4 V. c. 18.

PROTESTANT ORPHAN ASYLUM, Montreal.—7 V. 52.

PUBLIC MEETINGS.—7 V. c. 7.

QUEBEC LIBRARY ASSOCIATION.—8 V. c. 98.

——— CHARITABLE FIRE-WOOD SOCIETY.—V. c. 89.

RAIL-ROAD from Montreal to the Province Line, thro' Earn Townships.—8 V. c. 25.

REGISTERS OF MARRIAGES, &c.,—by Unitarians at ontreal.—8 V. c. 35.

SHERBROOKE COTTON FACTORY.—8 V. c. 91.

SAINTS NOMS DE JÉSUS ET MARIE, de Longueuil.— V. c. 101.

SURVEYOR GENERAL, office abolished.—8 V. c. 11.

UPPER CANADA TRUST AND LOAN COMPANY.—7 c. 63—8 V. c. 96.

URSULINE NUNS, at Three Rivers.—8 V. c. 103.

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NOTE.—Except 8 V. c. 107 (Aliens) which was not then sanctioned, athe Acts in this supplement are included in the Alphabetical Table of the Acts not inserted inthe Revised Statutes which is given at the end of that work; but from the difference of arrangment they are not in every case inserted under the same title.